

and in lieu thereof insert the following, stating that he would not trouble the Convention with any remarks, believing that every member had made up his mind on the subject:

"The present court of chancery shall be continued with the powers which it now has or may hereafter be conferred upon it by law."

Mr. JOHN NEWCOMER moved to amend said 25th section, by striking out, wherever it occurs in said section, the words "five years," and inserting in lieu thereof "one year."

Mr. BRENT, of Baltimore city. I move to postpone the further consideration of this subject. I only desire very briefly to give the reasons which will actuate me in my vote on this proposition. I do not wish to see this venerable and important court abolished, without some feeble testimonial, at least, to its ashes. If the county courts are to be continued in their chancery jurisdiction, I shall unquestionably vote to abolish the high chancery court, and therefore upon this question I shall vote for that purpose. But if we are not to have a separate chancery court in Baltimore, I am prepared to move a reconsideration of the vote which abolishes the chancery court. I can only say, in regard to this court, that I consider it, as it is now conducted, the very best court in the State of Maryland. Business is more promptly dispatched there—except when it is the fault of the suitors and counsels themselves—I say its business is dispatched with more promptitude, and with as much ability, in my opinion, as in any court I have ever known. At the same time, upon the ground of the double or concurrent jurisdiction which is conferred upon that court, and the county courts extending over the whole State, I shall be reluctantly compelled to vote to abolish this court, if the equity jurisdiction of the county system prevails. I have thus briefly borne my feeble testimony, from my long knowledge of this court, to its merits. I withdraw the motion to postpone.

Mr. MORGAN. I renew it, for the purpose of calling the attention of the gentleman from Washington (Mr. John Newcomer) to the impossibility of carrying out his amendment. That gentleman proposes to confine all the business of this court, amounting to twenty-five hundred cases upon the docket, embracing cases of every variety, in relation to all kinds of property, within one year.

Mr. JOHN NEWCOMER. I do not desire that the business shall be closed, nor do I think it will be, in the course of one year, but I desire that whatever cases may remain with the Chancellor in a year, shall go back to the district courts.

Mr. MORGAN. I will only state that this subject came before the Committee on the Judiciary. After mature consultation, and after giving the subject due reflection, from their knowledge of the court and its business, they were of the opinion that five years was a very limited time in which to wind up the affairs of that court. You may distribute the business to the counties from whence it originated, but to what particular plaintiff or defendant is it to go? This

is the difficulty; hence the necessity of extending to that court a sufficient time in which to wind up the business before it.

I merely rise for the purpose of making one observation to this Convention, and I desire them to pay particular attention to that observation. It is in relation to the proposition which has now been made by the gentleman from Baltimore county, (Mr. Howard.) Although he is in favor of the continuance of this court, by his proposition he places an argument in the possession of those that are in favor of a Chancellor for Baltimore city, which may be and will be used to pass it. What will that argument be? Why, if the chancery court be established, the argument would be that Baltimore city must have a chancery court for the transaction of her equity business. They call upon this Convention to abolish this court, in which all the business of the State may be transacted, if parties prefer to institute cases in it; and for what purpose? For the purpose of establishing a chancery court in Baltimore city, with no jurisdiction beyond the limits of the city, and in which the citizens of the rest of the State will have no interest. This is the argument that will be used for the purpose of obtaining a chancery court for the city of Baltimore. I will say that one court is as expensive as another. You will have to pay a Chancellor in Baltimore city as much as you pay a Chancellor at Annapolis, who can discharge his duties as well as a Chancellor in Baltimore city. If the chancery court is abolished, gentlemen will rise here and say, You have deprived us of this court and its benefits, and you must give us a separate chancery jurisdiction for the transaction of our business. Why not continue the chancery court here, if you desire to have one? Why not have a court here, which can transact the business of the whole State as well as that of Baltimore city, and which will be open to the citizens of the whole State, who prefer to transact their business here? If, however, neither of these courts is necessary, it will be a saving of expenditure if we do not establish them. It does seem to me that you must have one somewhere. If the one here is abolished, you must have one in Baltimore city. Do not gentlemen see that this is the effect of it? I desired to call the attention of the members of this Convention to that fact before they cast their votes upon this proposition. I withdraw the motion to postpone.

Mr. SPENCER. I renew it. As one of the members of the Committee on the Judiciary, I cannot see the force of the reasoning of my friend from St. Mary's. If it were true that you must have a court here or in Baltimore city, and that was the only question, then there would be some force in his argument.

You have determined to have one common law judge to preside over the court. Every body knows that the chancery business, the appeal business and the common law business, is apportioned out among the judges. One judge presides over the chancery court, another judge presides over the appeal court, and another over